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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,568	10/24/2003	Bruce Barrows	F-590-01	9104
919 7590 04/05/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/692,568

Applicant(s)

BARROWS, BRUCE

Examiner

Fadey S. Jabr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: line 2 of the claim includes a “.” preceding the comma, thus deletion of the period is required. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 1**, the recitation, “the gathered register information being *potentially* incomplete, out of chronological order, or from multiple sources”, is vague and indefinite. It is unclear to the Office what the Applicant is attempting to claim.

Further, the recitation, “gathering *postage setting* information while forming mail pieces”, is vague and indefinite. It is unclear to the Office what postage setting information represents.

Moreover, the recitation, “the step of accounting *considering* a subset of mail piece blocks...”, is vague and indefinite. It is unclear to the Office what the Applicant is attempting to claim. Appropriate correction is required in the indicated claim and any subsequent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookner et al., Pub. No. US2004/0193547 A1 in view of Lau et al., U.S. Patent No. 5,777,883 and Pintsov, U.S. Patent No. 6,009,416.

As per **Claim 1-2**, Brookner et al. discloses a batch mailing method comprising:

- gathering register information from the postage meter while forming mail pieces, the register information including an ascending register, a descending register, and a piece count, the gather register information being potentially incomplete, out of chronological order, or from multiple sources (0010, 0027, 0041, 0066);
- gathering postage setting information while forming mail pieces (0013-0014);
- defining mail piece blocks based on gathered register information and postage setting information, the step of defining including assigning individual mail pieces to mail piece blocks using the following steps (0016):
 - comparing the register information for the particular mail piece as a function of the register information of a prior mail piece (0041).

Brookner et al. fails to *explicitly* disclose receiving register information indicating register status after a particular mail piece is processed; if the comparison is consistent with the processing of a

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single mail piece, then assigning the particular mail piece to a same mail piece block as the prior mail piece, and otherwise assigning the particular mail piece to a new mail piece block.

However, Brookner et al. discloses when a mail piece *is franked*, stored statistical data may include the mail piece category, weight, or amount. This is added to a like batch history. Should *a mail piece be the first of its type or category*, a new batch identifier with the mail piece identity may be established in the storage location (0014, 0016, 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include receiving category, weight, or amount (e.g. value left within the PSD) and also assign a mail piece with the same statistical information to the same batch block as the prior mail piece, because it allows the system to sort mail pieces which belong another mail batch based on postage data.

Brookner et al. fails to disclose forming mail pieces on an inserter machine, the inserter machine comprising a postage meter. However, Brookner et al. discloses where a postal security device (PSD) is used on different postage printing bases (PPBs) (0010). Moreover, Pintsov teaches a secure trusted account device is connected directly to the inserter control computer (C. 1, lines 43-45, C. 4, lines 20-23, C. 8, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include a postage meter connected to the inserter system as taught by Pintsov, because the secure trusted account device provides information concerning the operation of the physical preparation of the mail by the inserter system (C. 9, lines 13-15).

Brookner et al. fails to disclose identifying gaps between mail piece blocks and mail pieces within the gaps; and accounting for the mail pieces within the gaps in accordance with a

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predetermined algorithm, the step of accounting considering a subset of mail piece blocks as proximal to the identified gaps. However, Lau et al. teaches during mail piece processing, the inserter system tracks and reports back to the office manager server (OMS) the damaged, duplicate or missing mail pieces within the data block. The inserter system notifies the IMS when the last mail piece has been processed...identifies all mail pieces not processed for the mail run (C. 3, lines 15-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include identifying all mail pieces not processed for the mail run as taught by Lau et al., because it allows the system to ensure all mail pieces have been accounted for in the batch.

As per **Claim 3**, Brookner et al. discloses based on ending ascending or descending register information and the postage setting information for the mail pieces, calculating beginning ascending or descending register information for the particular mail piece before processing and comparing the beginning ascending or descending register information for the particular mail piece with the ending ascending or descending register information of the immediately prior mail piece to determine if the comparison is consistent with processing of a single mail piece (0016, 0027, 0041).

As per **Claim 4**, Brookner et al. discloses wherein the step of comparing the register information for the particular mail piece further comprises comparing a piece count for the particular mail piece with the piece count for the prior mail piece, and assigning the particular mail piece to a same mail piece block as the prior mail piece if there is an interval of one mail

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piece, and otherwise assigning the particular mail piece to a new mail piece block (0016, 0027, 0041).

As per **Claim 5-6**, Brookner et al. fails to disclose determining if mail piece blocks include overlapping mail piece information and eliminating duplicate data so that the same information is only accounted for once; and defining a negative block corresponding to the overlapping mail piece information. However, Lau et al. teaches when duplicate material has been detected the OMS denies the download request to the ISC. Further, if the mail piece has been processed by ISC1, ISC2 receives a download denied response from IMS, which indicates duplicate material (C. 4, lines 27-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include denying processing of a duplicate mail piece as taught by Lau et al., because it prevents the user's account from being accounted more than once for the same mail piece.

As per **Claim 7-9 and 14-15**, Brookner et al. fails to disclose defining a startpoint for performing balancing and an endpoint for performing balancing and whereby the startpoint and the endpoint encompass an identified gap and mail piece blocks bordering on the identified gap and whereby the step of accounting considers a range between the defined startpoint and endpoint, including mail piece blocks and the identified gap, for the purposes of the predetermined algorithm; wherein neither the startpoint nor the endpoint occur inside a mail piece block, and whereby only one block ends at the startpoint and only one blocks starts at the endpoint; wherein the step of identifying gaps includes sorting mail piece blocks in consecutive

order to find gaps. However, Lau et al. teaches if the mail piece has not been processed, the ISC1 sets a new end of block to the mail piece immediately preceding the requested piece, and OMS downloads the requested block to ISC2. Further, if the mail piece has been processed by ISC1, ISC2 receives a download denied response from IMS, which indicates duplicate material (i.e., the mail pieces are accounted for consecutively, despite being on separate inserters)(C. 4, lines 27-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include consecutively accounting for mail pieces where one mail piece block begins where another mail piece block ends as taught by Lau et al., because it allows the system to determine damaged, duplicate and missing mail pieces.

As per **Claim 10 and 12-13**, Brookner et al. fails to *explicitly* disclose the step of accounting includes creating a discrepancy block to fill an identified gap where a starting ascending register value of a second block is greater than a starting ascending register value of a preceding first block. However, Brookner et al. discloses ascending, descending register and a piece count (0027). It is old and well known in the art at the time of the applicant's invention to have an ascending register value (a register value indicating the total postage value consumed) of a postage meter greater than the previous ascending register value. Further, descending register keep track of the postage value remaining in the meter after a transaction, and would therefore have a lesser value after each transaction. Moreover, a piece count increments each mail piece for each transaction and therefore would start the counter for the next transaction where the prior transaction ended. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of applicant's invention to modify the method of Brookner et al. and include an ascending register value that increases after a postage transaction, because ascending registers keep track of the total amount of postage issued over time.

As per **Claim 11**, Brookner fails to disclose wherein the step of accounting includes creating a negative block to cancel an overlap when the starting ascending register value of the second block is less than the starting ascending register value of the first block. However, Lau et al. teaches if the mail piece has already been processed the system receiving a download denied response from the OMS indicating duplicate material (C. 4, lines 27-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include denying further processing of the same mail piece as taught by Lau et al., because it prevents the system for accounting for the same mail piece more than once.

As per **Claim 16**, Brookner et al. fails to disclose whereby the accounting steps are iterated for all blocks at or between the defined startpoint and endpoint. However, Lau et al. teaches if the mail piece has not been processed, the ISC1 sets a new end of block to the mail piece immediately preceding the requested piece, and OMS downloads the requested block to ISC2 (C. 4, lines 27-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brookner et al. and include accounting for the blocks at their startpoint as taught by Lau et al., because it provides the system with time to determine whether the mail piece has been previously detected.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Fadey S Jabr
Examiner
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FSJ

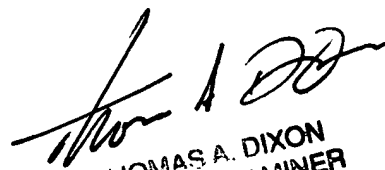
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Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulaney Street, Alexandria, VA 22314


THOMAS A. DIXON
PRIMARY EXAMINER